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December 10, 2004

The Honorable J. Frederick Motz  
United States District Judge  
for the District of Maryland  
101 W. Lombard Street  
Baltimore, Maryland 21201

Re: RCI Technology Corp. v. Sunterra Corporation,  
Civil No. JFM-02-2539, on remand from the  
Fourth Circuit, Case No. 03-1193

Dear Judge Motz:

This letter is jointly submitted by the undersigned counsel for RCI Technology Corp. and Sunterra Corporation.

As the Court is aware, on March 18, 2004, the Fourth Circuit issued a Decision<sup>1</sup> and Order reversing this Court's Order and Memorandum Decision in the above-captioned case. The parties had received a request from Chambers for the parties to submit a proposed Order on Remand. A disagreement arose between the parties as to the content of such proposed Order on Remand. The parties are determining whether they can resolve this disagreement without the need for a decision by the Court.

We will notify the Court as soon as we have either resolved our dispute by submitting an agreed form of Order on Remand or, if no agreement is reached, we will notify the Court that the Court's decision is required, submit competing forms of a proposed Order on Remand and file appropriate papers with the Court explaining each party's position.

We appreciate Your Honor's patience.

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<sup>1</sup> The Decision is reported at 361 F.3d 257 (4<sup>th</sup> Cir. 2004).

Respectfully yours,

/s/ Kenneth Oestreicher  
Kenneth Oestreicher, Bar No. 05567  
(signed by Jay A. Shulman with permission of  
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